



Ian S. Marx
Direct Dial: (973) 360-7951
Direct Fax: (973) 295-1307
Email: marxi@gtlaw.com

September 15, 2010

BY FACSIMILE and ELECTRONIC FILING

Honorable Madeline Cox Arleo, U.S.M.J.
U.S. District Court for the District of New Jersey
Martin Luther King Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

**RE: Russell-Brown v.
The University of Florida Board of Trustees, et. al.
Civil Action No.:10-cv-4017(SDW)(MCA)**

Dear Judge Arleo:

I have retrieved from PACER copies of two letters apparently sent to Your Honor by plaintiff's counsel, dated September 13 and 14, 2010 (although the letters are in response to my letter to Your Honor, and contain inflammatory accusations and threats concerning me, counsel did not provide me with copies of them).¹

Counsel's letters to the Court do not explain his failure to file the requisite Rule 11.2 Certification or to identify the two prior actions when he commenced this dispute. Rather, counsel instead engages in baseless *ad hominem* attacks and threats, that for the most part do not dignify a response and that simply do not address the legal issues before the Court. We apologize for burdening the Court with another letter; however, there are two particularly offensive points to which we believe a response must be made, lest our silence be argued in the future to be an "admission".

First, we are accused of pursuing an "agenda" to wrest this case from Judge Wigenton because we are alleged to be "concerned" about her race and gender. Our "concern" is not with Judge Wigenton, but rather plaintiff's disobedience of Court Rules. Plaintiff concealed the

¹ Plaintiff's counsel apparently believes that because in an apparent attempt to obtain some perceived strategic benefit, plaintiff has chosen not to serve its Complaint upon the U of F Defendants, we are without "standing" to communicate with the Court about this case in which plaintiff has asserted claims against the U of F Defendants. There is no authority offered for this premise, because there is none. On a going forward basis, Plaintiff's counsel is requested to provide us with copies of all of his communications with the Court.



Hon. Madeline Cox Arleo, U.S.M.J.

September 15, 2010

Page 2

previous incarnations of this case from the Court when this third case was filed in an apparent attempt to keep it away from Judge Chesler, who previously determined that New Jersey is an inappropriate forum in which to subject our clients to suit in this dispute. The Court Rules require the disclosure of other related cases so that judicial resources may be appropriately and efficiently apportioned and so that the forum-shopping in which plaintiff is attempting to engage can be avoided.

Second, I have been accused of providing false information to a reporter from the National Law Journal because a September 1, 2010 Law Journal article contains passages similar to my September 13, 2010 letter to Your Honor. As the article itself indicates, upon being contacted by the media, we referred the reporter to our clients' spokesman, who declined comment. I provided absolutely no information whatsoever to the National Law Journal and neither did anyone from my firm.

I do not believe that the remainder of counsel's allegations dignify a response. However, should the Court wish a more complete response, I would be pleased to provide one.

Respectfully submitted,


IAN S. MARX

ISM/bap

cc: Lennox S. Hinds, Esq. (by Facsimile)

Mark A Fowler, Esq. (by Facsimile)